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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,093	08/30/2001	Satoshi Matsuba	011051	5312

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EXAMINER

JUSKA, CHERYL ANN

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 01/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/926,093

Applicant(s)

MATOKA ET AL.

Examiner

Cheryl Juska

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-23 is/are rejected.
- 7) ☒ Claim(s) 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of.
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed October 3, 2003, has been entered. Claims 1-15 have been cancelled and new claims 16-24 have been added as requested.
2. Said amendment renders moot the 112, 2nd rejection and the prior art rejections set forth in the last Office Action.
3. New claim 16 is a combination of old claims 1, 5, and 6, plus the limitation the fibers are long fibers, or continuous filaments, rather than staple length fibers. The limitation that the invention is a pile fabric (old claim 6) is sufficient to overcome the cited prior art of Katsukura (US 6,155,306). Additionally, as argued by applicant, the cited art of Kuraray (JP 63-190083) does not teach continuous filaments. As such, the new claims 16-24 are sufficient to distinguish the invention from the Kuraray reference.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 20, 21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 59-009267 assigned to Teijin Kakoshi in view of US 3,930,106 issued to Mihara et al. and US 4,316,924 issued to Minemura et al.

Claim 20 is drawn to a method of making a mohair-like pile fabric by (a) subjecting multifilaments comprising acrylic-based synthetic long fibers to twisting with a twist frequency

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of 150 T/m or less and (b) producing pile fabric having a pile length of 5-100 mm by knitting said multifilament.

Teijin discloses a pile fabric which is knitted or woven from multifilament yarns that have little (i.e., less than 300 T/m) or no twist (English abstract). Said multifilaments are made of polyamide, polyester, or acrylic fibers (abstract). The pile has a preferred height of 1.5 mm (abstract). The pile fibers are subjected to a rubbing treatment by a flow of turbulent liquid. Thus, Teijin teaches the presently claimed invention with the exception of the claimed pile height. However, it is argued claim 20 is obvious over the cited art.

Specifically, the claimed pile lengths are well known in the art. For example, Mihara teaches an animal hair-like synthetic fiber which can be knit into a pile fabric to produce a synthetic fur (col. 1, lines 5-9). In one embodiment, acrylic fibers are coated with spinning oil and knitted into a pile to simulate fox or mohair fur (Examples 3 and 4). The pile length may range from about 30-50 mm (col. 3, lines 25-34). Additionally, Minemura teaches a synthetic fiber for synthetic fur, wherein said fibers may be knitted into a pile fabric having a pile length of 10-50 mm (col. 2, lines 51-59). Thus, it would have been obvious to one of ordinary skill in the art to knit the multifilament yarn of Teijin into a pile fabric having a pile length of 10-50 mm to produce a synthetic fur. Therefore, claim 20 is rejected as obvious over the cited prior art.

With respect to claim 23, it is reiterated that Mihara teaches coating the fibers with a spinning oil. Thus, it would have been obvious to one skilled in the art to employ a spinning oil in the Teijin invention in order to facilitate the knitting process.

With respect to claim 21, it is noted that Minemura teaches the knit fabric may be made by weaving the fibers into a stitched double knit fabric and then cutting the stitching threads to

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form two pile fabrics (col. 1, lines 51-57). Thus, it would have been obvious to one skilled in the art to employ a double stitch knitting process since said process is well known in the art for making two pile fabrics from one knitting process.

6. Claims 22 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the cited Teijin, Mihara, and Minemura references as applied to claim 20 above and in further view of JP 63-190083 assigned to Kuraray Co. Ltd.

Claim 22 and independent claim 16 limit the single fiber denier to 3-30 and the total yarn denier to 100-750. Although the cited prior art does not explicitly teach the claimed deniers, said deniers are well known in the art of pile fabrics. For example, Kuraray teaches a yarn for making knit fabrics having a denier per filament of 10-25 (English abstract). Hence, it would have been obvious to one skilled in the art to employ fibers having 10-25 denier per filament for the fabric of Teijin since said fibers are well known in the art as suited for the intended use. Also, selection of fiber and yarn denier is readily determined by one skilled in the art since an increase in denier would increase the coarseness of the fabric, while a decrease in denier would produce a finer, softer, more absorbent fabric. Therefore, claims 22 and 16 are rejected as being obvious over the cited prior art.

With respect to claims 17 and 19, Kuraray teaches the fiber has a flat ratio of 3-10 and 0.5-3 crimps per inch. Thus, it would have been obvious to one skilled in the art to employ the claimed flatness ratio and claimed crimps per inch, since both features are known in the art as suited for making knit pile fabrics having a soft hand and animal-like feel and appearance

Allowable Subject Matter

7. Claim 24 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not teach or fairly suggest the method of claim 20 which further includes the step of conferring a curl shape to the fibers of the mohair-like pile fabric by a hot brush and/or rotary tumbler dryer. Although Teijin teaches treating the pile fabric with a turbulent liquid flow, the reference exemplifies a jet stream from a stream dyeing machine as said turbulent flow. Additionally, Teijin does not teach said turbulent flow produces a curled fiber. Therefore, claim 24 contains allowable subject matter.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Cheryl Juska whose telephone number is 703-305-4472. The Examiner can normally be reached on Monday-Friday 10am-6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



CHERYL JUSKA
PRIMARY EXAMINER